

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING OFFICER DIRECTIVE

DOCKET NO. 2017-207-E ORDER NO. 2018-13-H

JANUARY 25, 2018

Hearing Officer: David Butler

DOCKET DESCRIPTION:

Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

MATTER UNDER CONSIDERATION:

Motion to Compel Filed by Friends of the Earth and Sierra Club

HEARING OFFICER'S ACTION:

This matter comes before the Hearing Officer on the Motion to Compel Discovery filed by the Friends of the Earth and Sierra Club (“FOE/SC” or “the Complainants”) in this Complaint matter filed against South Carolina Electric & Gas Company (“SCE&G” or “the Company”). FOE/SC have, according to SCE&G, served a total of 25 requests for production of documents spanning a number of topics related to the construction of V.C. Summer Units 2 and 3, including, but not limited to, project schedules and capital cost schedules, evaluation of the solvency of Westinghouse and enforceability of contractual obligations against Westinghouse, the prudence of continued construction, agreements between SCE&G and Westinghouse, and other documents related to the V.C. Summer project. SCE&G responded to the requests, stating general objections to the requests and specific objections to individual requests. It appears, however, that SCE&G, agreed to produce a number of documents, subject to its objections.

According to the filings on this issue, early issues in discovery were related to confidentiality of certain documents, the format for the Company’s presentation of documents, and whether an index and a privilege log should be produced. According to SCE&G, several of these issues have been resolved with negotiations.

After due consideration of the submissions of FOE/SC and SCE&G, the Motion to Compel is hereby held in abeyance at this time, to allow SCE&G to complete its production and to also allow the parties to discuss narrowing the scope of some of the requests. The parties shall also attempt to agree to a reasonable schedule for completing the production and

adjudicating any unresolved issues. If the parties cannot agree on these matters, this Hearing Officer or other designated representative of the Commission will establish a schedule and adjudicate any unresolved issues.

Although this Hearing Officer takes no position on the use of confidentiality agreements to facilitate disclosure of commercially sensitive information for discovery purposes in this Docket at this time, I do invite the parties to review the case of Hamm v. S.C.P.S.C and SCE&G, 312 S.C. 238, 439 S.E.2d 852 (1994) as a useful reference on the issue.